

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
CASE NO. 5:20-CV-174-DCK**

VICTORIA CHA,

Plaintiff,

v.

**KILOLO KIJAKAZI, Acting Commissioner of
Social Security,¹**

Defendant.

ORDER

THIS MATTER IS BEFORE THE COURT on the “Consent Motion For Reversal And Remand Pursuant To Sentence Four of 42 U.S.C. § 405(g)” (Document No. 19) filed October 18, 2021. The parties have consented to Magistrate Judge jurisdiction pursuant to 28 U.S.C. § 636(c), and immediate review is appropriate. Having carefully considered the motion and the record, and noting consent of the parties, the undersigned will grant the motion.

Based on the parties’ agreement and applicable authority, the Court will direct that the Commissioner’s decision be reversed pursuant to 42 U.S.C. § 405(g) and that this matter be remanded to the Commissioner for further proceedings. See Shalala v. Schaefer, 509 U.S. 292 (1993); Melkonyan v. Sullivan, 501 U.S. 89 (1991).

Sentence four of 42 U.S.C. § 405(g) provides, in pertinent part, that “[t]he court shall have power to enter, upon the pleadings and transcript of the record, a judgment affirming, modifying, or reversing the decision of the Commissioner of Social Security, with or without remanding the cause for a rehearing.” Defendant here has moved for reversal of the decision below and for a

¹ On July 9, 2021, Kilolo Kijakazi became the Acting Commissioner of Social Security. Accordingly, pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Kilolo Kijakazi is hereby substituted for Andrew M. Saul as Defendant in this action.

remand of this case for further administrative proceedings. (Document No. 19). For the reasons stated in the Defendant's motion, the Court finds that remand is appropriate.

IT IS, THEREFORE, ORDERED that the "Consent Motion For Reversal And Remand Pursuant To Sentence Four of 42 U.S.C. § 405(g)" (Document No. 19) is **GRANTED**.

IT IS FURTHER ORDERED that Plaintiff's "Motion For Summary Judgment" (Document No. 17) be **DENIED as moot**.

IT IS FURTHER ORDERED that the Clerk of the Court shall enter a separate Judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure and that this matter be **CLOSED**.

SO ORDERED.

Signed: October 18, 2021



David C. Keesler
United States Magistrate Judge

